



DECISION MEMO
Five Mile Bridge Replacement
USDA Forest Service, Northern Region
Nez Perce-Clearwater National Forests
Red River Ranger District
Idaho County, Idaho



I. Introduction

I have decided to approve replacing the existing timber bridge and ford crossing Crooked River in the Nez-Perce-Clearwater National Forests, Idaho County, Idaho. The project is located in T28N, R7E, Section 36, Boise Meridian. (See attached map).

II. Purpose and Need

The Crooked River bridge on County 233 road (milepost 10.5) is approaching a dilapidated state with the existing bridge pilings below the ordinary high water elevation. Approved for ATV and snowmobile use (but not full sized vehicle) the Crooked River bridge connects a major snowmobile loop trail (NF Trail 821). The trail is intended to be groomed; however, the existing bridge does not currently support the weight of a snow groomer, or a fire suppression engine in the event of a wildfire near the community of Orogrande.

In addition, an unauthorized and unimproved ford has been created immediately downstream of the existing bridge. This has led to stream bank erosion and degradation of water quality and fish habitat. Replacement of the existing bridge and rehabilitation of the user-created ford are consistent with the travel planning (DRAMVU) preferred alternative.

The project is needed to improve water quality and fish habitat since the ford is causing stream bank erosion, and the pilings are constricting the flow of the river, increasing water velocity.

Decision

I have decided to approve the Five Mile Bridge Replacement Project with the following terms and conditions:

The Forest Service will remove the existing timber bridge and gabion pilings and replace them with a new 16-foot wide steel stringer bridge with a timber deck and concrete pilings that would span the entire channel. Bridge replacement activities include: excavation and removal of the existing structure, installation of the new bridge, installation of new abutment walls, placement of riprap, excavation and embankment of roadway approaches, and the placement of aggregate surfacing on the trail. Approximately 100 feet of NF Trail 821 will receive minor reconstruction to align the approaches to the new bridge. A barrier (to be determined) would be installed to restrict full-sized vehicle access to the bridge/trail. The bridge site would be closed during removal and construction.

After the bridge is replaced, the unauthorized ford will be rehabilitated by transplanting clumps of native vegetation taken onsite and spreading certified weed free seed. Access to the ford will then be closed/blocked using native material and transplanted vegetation.

Heavy equipment to be used includes an excavator, dump trucks, backhoe, roller compactor, road grader, and possibly a crane for bridge removal and placement. Materials may be stockpiled and equipment stationed temporarily within the Fivemile Pond recreation area. All non-native waste materials will be removed from the site. Most of the ground disturbance would be associated with the removal of the old bridge and excavating the roadbed to the grading limits of the new bridge.

All Terms and Conditions and Design Criteria in the *Stream Crossing Programmatic Biological Assessment* will be implemented to minimize impacts to the river and fish habitat. Construction specifications will meet the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03. The consultant will use the Forest Service Standards modified and customized for the Crooked River ATV Bridge at Fivemile.

The work window will occur during the instream work window in compliance with the *Programmatic Biological Opinion for Habitat Restoration Projects in Idaho*.

Design Criteria and Mitigation Measures

BMPs for Roads, Trails, Water Quality and Weed Management will be implemented during all phases of the project. National Core BMPs and Terms and Conditions and Design Criteria in the *Stream Crossing Programmatic* will also be followed. These are not all-inclusive, as Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended):

1. Rock placed on the road surfaces and along ditches shall be free of noxious weed seed.
2. Sediment barriers will be installed to prevent direct sedimentation to live waters.
3. Prior to arriving at the project site, equipment for instream work shall be cleaned of external oil, grease, dirt, mud, plant parts, and any leaks would be repaired. Cleaning would remove all dirt and plant parts to ensure that noxious weeds and aquatic invasive species are not brought to the site. All equipment would be inspected by the COR before unloading at site.
4. Equipment would be inspected daily for leaks or accumulations of grease, and identified problems corrected before entering streams or areas that drain directly to streams or wetlands.
5. The contractor will be required to submit a Spill Prevention Control and Countermeasure plan prior to initiating work.
6. Mechanical support would follow BMPs for fuel storage and fueling to minimize the risk of a fuels spill into live water. The contractor would have fuel spill containment supplies onsite in the event of a fuel spill.

III. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the

criteria outlined for 36 CFR 220.6(e)(18): *Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, including the Forest Plan, and (5) my review of the Biological Assessments (BA), Biological Evaluations (BE), specialists' reports, and project record.

B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states, "The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist."

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species.

The Interdisciplinary Team (IDT) Botanist determined the proposed actions will have "no effect" on species listed as federally threatened, endangered or proposed to be listed. Payson's milkvetch and Idaho barren strawberry are known from the general vicinity of the project area. Plants would likely be displaced, but the proposed activities would also promote and maintain their habitat into the future. Given the extensive habitat in the area and numerous occurrences no concerns for the overall viability of these species in the Crooked River basin or adjacent areas are expected.

The IDT Fish Biologist determined the proposed actions are "not likely to adversely affect" bull trout, steelhead, and chinook salmon, federally threatened species. The project would have beneficial effects on the species and their habitat over the long term. The Forest consulted with the US Fish and Wildlife Service and National Marine Fisheries Service, using the USFS, Region 1 "Stream Crossing Programmatic". Project timing, design criteria, and best management practices would limit any effects to bull trout and steelhead.

Westslope cutthroat trout and interior redband trout occur in Crooked River, but the project will have beneficial effects on the species and their habitat. The project will not affect the species' population abundance or viability. A "no impact" determination was made for spring Chinook salmon, Coho salmon, Pacific lamprey, brook trout, and Western pearlshell mussel.

The IDT Wildlife Biologist determined the proposed action is “not likely to adversely affect” Canada lynx. The project lies within a Lynx Analysis Unit (3050401); however, there is no modelled potential lynx habitat in the vicinity of the project area. If transient lynx were present during implementation, equipment noise and human presence may cause avoidance of the project area. Any disturbance would be short term (approx. two weeks) and individuals may return to the area after project completion. The biologist determined the proposed actions would result in “no jeopardy” to North American wolverine as there is no habitat for this species near the project area.

A “may adversely impact individuals or habitat” determination was made for flammulated owl, pygmy nuthatch, white-headed woodpecker, fisher, fringed, long-eared and long-legged myotis, gray wolf, and Western (boreal) toad. Overall, the effects from disturbance during implementation would be of short duration and would not result in a loss of viability, nor cause a trend towards federal listing or a loss of species viability range wide.

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Biological Assessments and Evaluations and specialists’ reports in the project record.

2. Floodplains, wetlands or municipal watersheds.

No direct, indirect or cumulative significant, adverse effects to floodplains, wetlands, or municipal watersheds are proposed or expected for this project. No adverse effects to streams and no measureable increase in sediment would occur. Cumulative effects would be most noticeable at the site scale (if they occur), becoming progressively less discernible at the sub-watershed, watershed, and sub-basin scales. Given the low degree of anticipated site-level effects, cumulative effects are expected to be negligible.

Proposed activities are consistent with the Stream Crossing Programmatic BMPs, Terms and Conditions with the US Fish and Wildlife Service and National Marine Fisheries Service, which would prevent adverse impacts due to sediment delivery or vegetation removal. Additional design criteria and BMPs would protect water quality (see design criteria above).

Overall the project would result in net benefits to water resources by: 1) decreasing the failure and erosion risk of the existing deteriorated bridge, 2) decreasing channel restriction and resulting artificially high water velocities and 3) eliminating erosion at the existing stream ford.

The proposed project is consistent with all applicable State and Federal water quality laws because design criteria and best management practices have been included to protect water resources. The proposed activities are consistent with soil and water standards in the Nez Perce National Forest Plan, including the PACFISH amendment.

Based on this analysis, no extraordinary circumstances were identified to water quality of streams within the area; downstream waters; or floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 31.2.2.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

The project is not located in any congressionally designated area and therefore, no extraordinary circumstances were identified to these resources.

4. Inventoried roadless areas or potential wilderness areas.

The project is not located in any inventoried or potential wilderness area and therefore, no extraordinary circumstances were identified to this resource.

5. Research Natural Areas.

The project area is not located in any research natural areas and therefore, no extraordinary circumstances were identified to this resource.

6. American Indians and Alaska native religious or cultural sites.

The Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect cultural properties. As a result, a *No Inventory Decision* has been made. Therefore, no extraordinary circumstances were identified to native religious or cultural sites.

7. Archaeological sites or historical properties or areas.

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

IV. Interested and Affected Agencies, organizations, and Persons Contacted

On March 27, 2017, letters providing information and seeking public comment were mailed to individuals, organizations, state and local agencies, and the Nez Perce Tribe. Project information was made available at <http://www.fs.usda.gov/nezperceclearwater/landmanagement/projects>. A legal notice appeared in the Lewiston Tribune on March 27, 2017, inviting comments for 30 days from publication. Three comments specific to the project were received during the scoping period. Responses to the comments can be found in Appendix A. The original letters are available in the project record.

V. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that the Five Mile Bridge Replacement Project is consistent with applicable Federal laws and regulations.

National Forest Management Act and Nez Perce National Forest Plan: The actions are consistent with the Nez Perce National Forest Plan (USDA Forest Service 1987, as amended), as required by the National Forest Management Act of 1976. In addition, design features and mitigation measures ensure compliance with the act.

PACFISH/INFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the project comply with direction regarding PACFISH and RHCAs.

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

Clean Air Act: This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ). No prescribed burning or other activity with the potential to significantly affect air quality is proposed.

Clean Water Act and State Water Quality Laws: The Interdisciplinary Team Hydrologist has determined this project complies with the Clean Water Act, and state and federal water quality laws because it will have no notable effects to the water quality of area or downstream waters.

Migratory Bird Treaty Act: This project complies with the Migratory Bird Treaty Act since it will result in no substantial loss of migratory bird habitat, nor will there be any measurable impact(s) on Neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for "take." The project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 MOU between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

National Historic Preservation Act: A cultural resource records search has been conducted for this project. Based on the project description a "*No Inventory Decision*" has been made for this project per stipulation V(A) of the North Idaho Cultural Resource Programmatic Agreement. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

American Indian Treaty Rights: The Nez Perce Tribe reviewed the project and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

Other Laws or Requirements: The actions associated with this project are consistent with all other Federal, State or local laws or requirements for the protection of the environment and cultural resources.

V. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater NFs Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; 208-935-4260 or FAX 208-935-4275.

VII. Signature of Deciding Officer

/S/ Terry Nevius

Terry Nevius

Red River District Ranger

6/8/17

Date

cc: Anne Connor

Enclosure (1): Map

